

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

¹ Because of a \$10 monthly recoupment by the Social Security Administration, the petitioner actually receives only \$614 per month.

\$366 for a person receiving fuel assistance. This standard is actually more than the utility expenses of the household. The petitioner's entire shelter cost was found to be \$333 per month. The petitioner does not dispute this finding.

3. Based on this new shelter situation, PATH recalculated the petitioner's Food Stamp eligibility. The petitioner received a \$134 standard deduction from his \$624.04 income for \$490.04 in adjusted income. Fifty percent of that amount is \$245.02. The difference between that amount and the petitioner's \$333 shelter cost, \$87.98, was assigned to him as an excess shelter amount. That amount was subtracted from the adjusted income for a countable Food Stamp income of \$402.06. PATH notified the petitioner by a letter dated October 23, 2002 that his Food Stamps based on that amount of income would be \$18.00 per month and that his benefits would be reduced beginning on November 1, 2002.

4. The petitioner appealed that determination because he says that he needs the prior amount of \$123 per month to buy food and has other bills which he must pay from his income.

ORDER

The decision of PATH is affirmed.

REASONS

Under the Food Stamp Regulations, the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. F.S.M. § 273.9 et. seq. All one person households are entitled to a standard deduction of \$134 (F.S.M. § 372.9d(1) and Procedures Manual P-2590A) and to an excess shelter deduction in the amount that their shelter costs exceed fifty percent of their income (F.S.M. § 273.9d(5)).

As of October 2002, the petitioner had \$624.04 in Social Security income. PATH correctly deducted \$134 from his income for a net of \$490.04. It also correctly deducted \$87.98 as the amount by which the petitioner's shelter costs exceeded fifty percent of his income. The resulting income \$402.06 entitles a one-person household to \$18.00 in Food Stamps under the regulations. (See Procedures Manual § P-2590 D5.)

The petitioner is experiencing the frustration that many low-income people face who try to reduce their housing expenses in order to make their income go farther only to find that they get less in Food Stamps. PATH is correct, however, that its regulations, based on federal rules, do require such a result. The Board must therefore uphold the result as

consistent with the regulations. 3 V.S.A. § 3091(d) and Fair Hearing Rule 17.

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